

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

<b>NATIONAL LABOR RELATIONS BOARD,</b>	)	
	)	COA #18-9521
	)	
Petitioner,	)	NLRB #14-CA-181053
	)	
v.	)	
	)	
<b>WOLF CREEK NUCLEAR OPERATING CORPORATION</b>	)	
	)	
	)	
Respondent.	)	
	)	

**WOLF CREEK NUCLEAR OPERATING CORPORATION’S ANSWER  
TO APPLICATION FOR ENFORCEMENT OF AN ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD**

Pursuant to Fed. R. App. P. 15(b)(2), Wolf Creek Nuclear Operating Corporation (“Wolf Creek”), files this Answer to the Application for Enforcement of an Order of the National Labor Relations Board (“NLRB” or “Board”). In support of its Answer Wolf Creek states as follows:

1. Wolf Creek admits the Board issued a final Order on March 13, 2018, in Board Case No. 14-CA-181053, reported at 366 NLRB No. 30 (“Order”), and that the Board filed an Application for Enforcement of that Order with this Court.

2. Wolf Creek denies that the Board is entitled to enforcement of its Order, and submits that the Board’s Order is barred by the doctrine of res judicata,

constitutes an error at law, and is based on an erroneous decision issued by the Regional Director of Board Region 14, on February 16, 2016.

3. Wolf Creek admits that this Court has jurisdiction over the Application for Enforcement of an Order of the National Labor Relations Board pursuant to Section 10(e) of the National Labor Relations Act (29 USC §160), as amended, and further admits that venue is proper in this Circuit.

4. Wolf Creek denies that it engaged in unfair labor practices.

5. Wolf Creek hereby incorporates by reference all exceptions, claims and defenses asserted by Wolf Creek in the administrative proceedings underlying the Board's Order.

6. Wolf Creek denies that the Board is entitled to enforcement of the Order and respectfully requests that the Order be vacated in its entirety.

WHEREFORE, Wolf Creek respectfully requests that this Court deny the Board's Application for Enforcement and hold that the Board's Order is void, unenforceable, and without effect. Wolf Creek further asks for such other relief, including costs, as the Court may deem just and equitable.

Respectfully submitted,

**JACKSON LEWIS P.C.**

Attorneys for Respondent

Dated: April 24, 2018

By: /s/ Sarah J. Millsap

Kelvin C. Berens

Sarah J. Millsap

Amanda J. Fray

Jackson Lewis P.C.

10050 Regency Circle, Suite 400

Omaha, NE 68114

(402) 391-1991

Email: [berensk@jacksonlewis.com](mailto:berensk@jacksonlewis.com)  
[sarah.millsap@jacksonlewis.com](mailto:sarah.millsap@jacksonlewis.com)  
[amanda.fray@jacksonlewis.com](mailto:amanda.fray@jacksonlewis.com)

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	)	
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Respondent.	)	

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of *Wolf Creek Nuclear Operation Corporation's Answer to Application for Enforcement of an Order of the National Labor Relations Board* was served upon:

Linda Dreeben  
National Labor Relations Board  
E-Mail: [linda.dreeben@nrlb.gov](mailto:linda.dreeben@nrlb.gov)

Jill Griffin  
National Labor Relations Board  
E-Mail: [jill.griffin@nrlb.gov](mailto:jill.griffin@nrlb.gov)

Barbara Sheehy  
National Labor Relations Board  
E-Mail: [Barbara.Sheehy@nrlb.gov](mailto:Barbara.Sheehy@nrlb.gov)

via CM/ECF on the 24<sup>th</sup> day of April, 2018. I declare under the penalty of perjury that the statement above is true to the best of my information, knowledge and belief.

\_\_\_\_\_  
*/s/ Sarah J. Millsap*  
Sarah J. Millsap